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HOUSE BILL 1172

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

NICK L. SALAZAR

AN ACT

RELATING TO LAND GRANTS; REVISING ELECTION PROCEDURES FOR THE  
NUESTRA SENORA DEL ROSARIO, SAN FERNANDO Y SANTIAGO LAND GRANT;  
AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 49-8-1 NMSA 1978 (being Laws 1909,  
Chapter 52, Section 1) is amended to read:

"49-8-1. NUESTRA SENORA DEL ROSARIO, SAN FERNANDO Y  
SANTIAGO GRANT--TRUSTEES--ELECTION. -- [Sec. ~~64.~~] The government  
and control of the common lands of the land grant known as the  
"Nuestra Senora del Rosario, San Fernando y Santiago land grant"  
is [hereby] vested in [~~three~~] five trustees, to be known  
officially as "the board of trustees of the Nuestra Senora del  
Rosario, San Fernando y Santiago land grant", who shall be  
elected [~~annually~~] biennially by the owners of interests in

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1 [said] the grant either by inheritance from the original  
2 grantees [~~thereof~~] or by purchase from an heir [~~therein~~]. "

3 Section 2. Section 49-8-2 NMSA 1978 (being Laws 1909,  
4 Chapter 52, Section 2) is amended to read:

5 "49-8-2. ELECTIONS--RIGHT TO VOTE. -- [~~Sec. 65.~~]

6 A. [~~In each year~~] On the [~~second~~] first Monday of  
7 April of each alternate year, an election shall be held after  
8 the trustees [~~shall~~] have given at least [~~three~~] seven days  
9 notice thereof by posting not less than five notices in  
10 conspicuous places within [~~said~~] the grant, which shall include  
11 the post offices at Truchas, Cordova, formerly known as Quemado,  
12 and Chimayo. [~~The trustees shall receive all written or printed~~  
13 ~~ballots presented at said election between the hours of 3 and 5~~  
14 ~~p.m., which ballots~~] Except as provided in Chapter 49, Article 8  
15 NMSA 1978, the election shall be conducted as nearly as  
16 practical in the same manner as provided in the Election Code  
17 for the conduct of general elections, provided that the board of  
18 trustees of the Nuestra Senora del Rosario, San Fernando y  
19 Santiago land grant and the secretary of the board shall perform  
20 the functions designated in that code for the county commission  
21 and the county clerk, respectively, and provided further that no  
22 registration shall be required. Official ballots for voting  
23 shall contain the names of not [~~more~~] less than five owners of  
24 interests in [~~said~~] the grant. [~~and shall canvass said votes and~~  
25 ~~declare~~] The five persons receiving the highest number of votes

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1 [to] shall be elected as trustees for the ensuing [year] two  
2 years.

3 B. At all elections, every owner of an undivided  
4 interest in [said] the grant shall be entitled to one vote. The  
5 trustees in charge of [such] the election shall prepare from the  
6 best information obtainable a list of all owners of interest in  
7 [said] the grant and shall deliver the [same] list to their  
8 successors. Any person claiming to be the owner of an interest  
9 whose claim is not admitted by the trustees may file with them  
10 an oath in writing, stating that he is [such] an owner and  
11 giving as fully as he can the chain of title to [such] his  
12 interest [and]. If [such] his claim [be] is substantiated by  
13 the oaths in writing of two owners of such interests, he shall  
14 be permitted to vote at [such] the election."

15 Section 3. Section 49-8-3 NMSA 1978 (being Laws 1909,  
16 Chapter 52, Section 3) is amended to read:

17 "49-8-3. OFFICERS--MEETING--VACANCIES. -- [See. ~~66.~~] The  
18 members of the board of trustees so elected shall meet within  
19 one week after the election and organize by the election of a  
20 president, secretary and treasurer who shall perform such duties  
21 as may be required of them by [such] the board. A majority of  
22 the board shall constitute a quorum for the transaction of  
23 business. All meetings of [said] the board shall be open to all  
24 owners of interests in [said] the grant, who shall have the  
25 right to be present and to be heard on all matters on which they

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1 may be interested. If a vacancy [~~shall occur~~] occurs in [~~such~~]  
2 the board, the remaining members [~~thereof~~] shall fill [~~such~~] the  
3 vacancy by appointment until the next [~~annual~~] election. The  
4 board may make such rules as to its meetings and order of  
5 business as it [~~shall think~~] deems proper. "

6 Section 4. Section 49-8-4 NMSA 1978 (being Laws 1909,  
7 Chapter 52, Section 4) is amended to read:

8 "49-8-4. BOARD OF TRUSTEES--POWERS. -- [~~Sec. 67. Said~~] The  
9 board of trustees shall have the following general powers:

10 [~~1.-~~] A. to control, care for and manage the common  
11 lands of [~~said~~] the grant and all the property pertaining  
12 thereto, [~~and~~] to prescribe the terms on which they may be used  
13 and to make all necessary and proper regulations for the  
14 government thereof;

15 [~~2.-~~] B. to sue and be sued under the title  
16 [~~aforesaid~~] set forth in Section 49-8-1 NMSA 1978;

17 [~~3.-~~] C. to lease any portions of [~~said~~] the common  
18 land or the pasturage thereon and to sell any timber, wood,  
19 stone, grass or other product or personal property of [~~said~~] the  
20 grant;

21 [~~4.-~~] D. to pay all taxes and other expenses due on  
22 [~~said~~] the common land; and

23 [~~5.-~~] E. in case the income exceeds the expenses, to  
24 expend the balance [~~in such~~] to benefit all the owners equitably  
25 or for improvements upon [~~said~~] the common land [~~as~~] that will

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be for the general benefit of the owners.

The board of trustees shall make a report in writing of its transactions during the preceding year, including an account of all [~~moneys~~] money received and expended, at the opening of the annual meeting of the owners [~~of interests at the time of each annual election~~]. "

**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

**February 27, 1997**

**Mr. Speaker:**

**Your VOTERS AND ELECTIONS COMMITTEE, to whom has  
been referred**

**HOUSE BILL 1172**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Edward C. Sandoval, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HVEC/HB 1172

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Garcia, Lujan, Nicely

Absent: None

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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March 8, 1997

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10 Mr. President:

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Your RULES COMMITTEE, to whom has been referred

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HOUSE BILL 1172

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has had it under consideration and reports same with

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recommendation that it DO PASS.

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Respectfully submitted,

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\_\_\_\_\_  
Gloria Howes, Chairman

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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1 HVEC/HB 1172

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Date \_\_\_\_\_

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The roll call vote was 5 For 0 Against

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Yes: 5

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No: 0

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Excused: Altamirano, Aragon, Gorham

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Absent: None

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